

Daniel Feder (State Bar No. 130867)  
**THE LAW OFFICES OF DANIEL FEDER**  
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Attorneys for Plaintiff Ann Otsuka

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANN OTSUKA, an individual; JANIS	)	Case No.: C-07-02780 SI
KEEFE, an individual; CORINNE PHIPPS, an	)	
individual; and JUSTIN KISER, an individual;	)	<b>DECLARATION OF DANIEL L. FEDER</b>
and on behalf of all others similarly situated,	)	<b>IN CONDITIONAL NONOPPOSITION</b>
	)	<b>TO PLAINTIFFS JANIS KEEFE,</b>
Plaintiffs,	)	<b>CORINNE PHIPPS, AND JUSTIN</b>
v.	)	<b>KISER'S MOTION TO BE RELIEVED AS</b>
POLO RALPH LAUREN CORPORATION; a)	)	<b>COUNSEL</b>
Delaware Corporation; POLO RETAIL, LLC.,)	)	
a Delaware Corporation; POLO RALPH	)	<b>Date: September 21, 2007</b>
LAUREN CORPORATION, a Delaware	)	<b>Time: 9:00 a.m.</b>
Corporation, doing business in California as	)	<b>Judge: Hon. Susan Illston</b>
POLO RETAIL CORP; FASHIONS OUTLET)	)	<b>Location: Courtroom 10, 19<sup>th</sup> Floor</b>
OF AMERICA, INC., a Delaware Corporation)	)	<b>450 Golden Gate Avenue</b>
and DOES 1-500, inclusive,	)	<b>San Francisco, California 94102</b>
	)	
Defendants.	)	

I, DANIEL L. FEDER, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California, am admitted to practice before the United States District Court for the Northern District of California, and serve as counsel for Plaintiff ANN OTSUKA ("Plaintiff") in the above-referenced matter. I have personal knowledge of the following facts and would testify truthfully to these matters if called as a witness:

1           2.       Plaintiffs ANN OTSUKA, JANIS KEEFE, CORINNE PHIPPS, and JUSTIN  
2 KISER ("Plaintiffs") filed the present action against Defendants POLO RALPH LAUREN  
3 CORPORATION, POLO RETAIL, LLC., and FASHIONS OUTLET OF AMERICA, INC.  
4 ("Defendants") in San Francisco Superior Court in May 2006. Plaintiffs were represented by  
5 Patrick Kitchin and myself.

6           3.       At the commencement of this action, Mr. Kitchin and I agreed that, in order to  
7 avoid confusion, Mr. Kitchin would take the lead in communicating with the Plaintiffs.  
8

9           4.       In or around April 2007, Mr. Kitchin represented to me that he could no longer  
10 contact Plaintiff ANN OTSUKA despite his best efforts. Mr. Kitchin recommended that we  
11 file a motion to have ourselves relieved as counsel to Ms. OTSUKA. Based on the  
12 representations made to me by Mr. Kitchin, I agreed.

13           5.       On April 23, 2007, Mr. Kitchin filed a motion to have ourselves relieved as  
14 counsel to Plaintiff ANN OTSUKA in San Francisco Superior Court. Attached hereto as  
15 Exhibit A is a true and correct copy of the motion. Mr. Kitchin filed a declaration in support  
16 of the motion. Attached hereto as Exhibit B is a true and correct copy of the declaration.  
17

18           6.       On or around July 3, 2007, Mr. Kitchin informed me that Plaintiff JUSTIN  
19 KISER had terminated me as his legal representative.

20           7.       On or around July 6, 2007, Mr. Kitchin informed me that Plaintiffs JANIS  
21 KEEFE and CORINNE PHIPPS had terminated me as their legal representative.

22           8.       On July 20, 2007, Mr. Kitchin filed the present motion, "Motion To Be  
23 Relieved As Counsel," on behalf of Plaintiffs JANIS KEEFE, CORINNE PHIPPS, and  
24 JUSTIN KISER, in this Court. The motion requests that Mr. Kitchin and I be relieved as  
25 counsel to Plaintiff ANN OTSUKA. I did not consent to the filing of this motion.  
26  
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10.      Answers by Plaintiffs JANIS KEEFE, CORINNE PHIPPS, and JUSTIN KISER to interrogatories propounded by Defendants were served on Defendants in or around January 2007 and May 2007. I am not aware that any answers by Plaintiff ANN OTSUKA to interrogatories propounded by Defendants, were served on Defendants.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 31<sup>st</sup>, 2007 at San Francisco, California.

Daniel L. Feder  
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